

Comparison of the FAC Recommendations, Draft Service Guidelines, and Revised Working Draft – July 12, 2011

Topic	FAC Recommendations	Draft Service Guidelines	Revised Working Draft
Target audience	Developer focused	Field staff focused	Developer & field staff
Terminology: Use of FAC terms such as “species of concern,” “significant adverse effects,” “communicate vs. coordinate”	FAC created specific terms and defined terms	Field staff terminology; did not use “significant” with adverse effects	Went back to FAC terms, including “significant adverse effect,” “species of concern,” and “communicate”
Introduction: change in format and sections	Background, Premise and Principles, Purpose and Benefits	History, Potential Risks to Wildlife, Relationship to Other Guidelines,	Service expectations from both developers and field staff
MBTA and BGEPA enforcement-assurance language	Recommendation to use language that is different from typical Service LE language	Standard Service LE language and removed “significant” from “significant adverse impacts”	<ul style="list-style-type: none"> <li>Reinstated FAC language with edits</li> <li>Specify that to get assurances for eagle take must not anticipate take during T 1-3 or get a take permit if takes anticipated</li> </ul>
Voluntary adherence and communication	Developer has applied the guidelines and communicated with the Service and considered its advice	Developer has applied the guidelines and coordinated with the Service and followed its advice to max extent practicable	Developer has applied the guidelines, considered advice, and documented changes
Phase-in	24 months from final, developer demonstrates adherence to guidelines, communicated with Service and considered advice. For existing projects or those under construction, developer communicates early with Service in the process, produce records showing they have applied the appropriate tier.	Implement upon publication. For existing projects or those under development, developer has coordinated with the Service, can produce records of applied recommendations, and/or implemented adaptive management. Incorporated the best available guidance at the time.	<ul style="list-style-type: none"> <li>Implement upon final publication, projects in construction will begin at the appropriate tier.</li> <li>Adapt Tiers 4 and 5 to operating projects</li> <li>If project ownership changes, operator assumes responsibility for adherence to earlier assessment</li> </ul>
Scope of the Guidelines	All prospective commercial developers	Utility and community scale	<ul style="list-style-type: none"> <li>All prospective developers,</li> <li>Specifically mention that Service will work to adapt the guidelines to community scale and distributed sources</li> </ul>
Service review period	No specific timeframe, recommend that Service provide	Not included	60 days to review, comment or request extension.

	clear expectations & work within budget constraints to provide staff support for timely review		
Coordination with other federal agencies	Recommendations to the Service to ensure timely and consistent review of projects	Lead federal agencies may choose to incorporate guidelines into project design or review	Recommend developers contact other federal agencies, states and tribes for information
Tier 3 communication	Developer makes decision to proceed and maintains records	Developer check-in with Service prior to construction; decision to proceed will be made by the developer in coordination with the Service	Developer should work closely with the Service. The Service will provide written comments to a developer
Tier 3 pre-construction study duration and intensity	Based on risk, no specific duration recommendation	Minimum of 3 years pre-construction studies	Based on risk, not quantified
Tier 4 habitat fragmentation	Tier 4 only addressed fatality studies	Tier 4 was divided into fatality and habitat studies	Kept FAC format, but added two habitat questions from draft Guidelines
Tier 4 study matrix	Number of years of monitoring began with zero, went to 2 or more, depending on circumstances	Minimum of 2 years of studies	Not quantified, based on level of risk and results of post-construction monitoring
Updating the Guidelines	Service works with various experts to provide updated BMPs and science	Provide updates on the website	Service will work with other agencies, states and tribes to guide future development and conservation.
Conflict resolution	Resolve at field level first, elevate to a designated individual/team in RO and/or WO; use chain of command	Resolve at field level first, elevate using chain of command	Elevate using Service chain of command